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SUBJECT: IMPLEMENTING ORDINANCES FOR NATIONAL  
RECONCILIATION PROPOSED WITH LITTLE DEBATE

REF: 2005 ALGIERS 2037 (NOTAL)

SUMMARY AND COMMENT  
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11. (SBU) The ordinances implementing the provisions of National Reconciliation as approved by voters in September 2005, made public February 22, are expected to be implemented by presidential decree by the end of the current month. While several organizations representing victims of terrorism criticized the final texts, the Algerian media were by and large silent on the issue, limiting their coverage to factual reporting of the texts. The opposition Islamist Islah Party complained about Bouteflika's decision to resort to presidential decrees, noting that this decision weakened the power of the legislative branch.

12. (U) The implementing ordinances are divided into seven chapters. They call for halting judicial proceedings against persons who were not involved in collective massacres, rapes, or using explosives in public places provided that they surrender themselves and their weapons within six months. Provisions are included reinstating to their jobs repentant people who lost their employment due to involvement in terrorist activity. Persons responsible for "the instrumentalization of religion" would be ineligible to participate in political activity. Persons who disappeared would be presumed dead, and family members of those implicated in terrorism would not be subject to legal sanction. Finally, members of the security forces would be sheltered from judicial proceedings.

13. (SBU) While the Algerian solution to closing the book on terrorism is far from ideal, there appears to be fairly broad public support, or at least acquiescence, for Bouteflika's decision to move rapidly with the thorny issues of forgiveness and retribution. Still, true forgiveness for the perpetrators from the victims will be a long time in coming. (End Summary and Comment.)

FINAL CHAPTER ON A PROCESS BEGUN BY BOUTEFLIKA  
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14. (U) The Algerian Government February 22 disclosed the detailed implementing ordinances for the National Reconciliation program overwhelmingly passed in September by popular referendum. In the lead up to that vote, national leaders, including the President himself, urged voters to approve the measure as the best means to move Algeria past the terrible divisions of the decade of terrorism. Questions on the details posed then by the media, human rights groups, families of the victims and others were set aside, with the government arguing that the implementing ordinances would speak to the difficult issues of who would be eligible for reductions in judicial sentences, pardons, and other thorny issues.

15. (U) Aside from organizations representing victims of terrorism and opposition Islah Party head Djaballah, critics of the reconciliation -- and the associated implementing ordinances -- have been largely silent. The independent press, which in many cases was skeptical of the national reconciliation process and often questioned the details, has factually reported on the ordinances in recent days but refrained from publishing commentary in favor or against them.

16. (SBU) A well-respected Algerian attorney told us the press was practicing self-censorship, since criticizing provisions of the implementing ordinances would serve no useful purpose at this point. Essentially, he continued, national reconciliation was now a closed chapter, and anyone calling into question the process or the implementing ordinances at this date was not going to effect any meaningful change. Additionally, the media saw the implementing ordinances, in his view, as confirmation of their initial fears that the slate would be wiped clean for those on both sides of the 1990s violence -- terrorists and security services -- without an equal effort to make public the nature of the crimes and provide solace to the victims.

#### THE VICTIMS VOICE DISAPPOINTMENT

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17. (U) The NGO Somoud, dedicated to the victims of Algerian terrorism, denounced the failure to mention in the implementing ordinances a "single word about the victims of armed Islamist groups. Impunity seems to matter more than justice, and this is not the example to set for future

ALGIERS 00000338 002 OF 002

generations." Somoud, in its statement, regretted that Algeria did not go through a truth and reconciliation process, even if not as robust as that of South Africa. Algeria should have, in this organization's view, provided a means for "the guilty to confess, express regret, and seek forgiveness." SOS Disparus (dedicated to those "Disappeared" by the security services) and Djazirouna (focused on the civilian victims of terrorism) also condemned the end process, but in less strident terms.

#### OVERVIEW OF IMPLEMENTING ORDINANCES

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18. (U) The implementing texts on the Charter for Peace and National Reconciliation, made public February 22, are expected to be adopted by the Council of Ministers before the end of February. In order to discourage any "upward bidding" in Parliament, the texts have been drafted as presidential decrees which can be implemented without Parliamentary debate or approval. The texts as drafted offer concrete answers on: compensation for families of the victims and disappeared; the employment situation of persons dismissed from their jobs for involvement with the Islamic Salvation Front (FIS) or terrorist organizations; dealing with the "repentant"; and shielding from prosecution members of the security forces who "saved the Republic." A chapter-by-chapter look at the ordinances will be transmitted septel.

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